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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,636	12/18/2001	Richard Joseph Caballero	SBL0020C1US	5280

60975 7590 08/11/2009  
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EXAMINER
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AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2156

MAIL DATE	DELIVERY MODE
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08/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/029,636	<b>Applicant(s)</b> CABALLERO ET AL.	
	<b>Examiner</b> Sana Al-Hashemi	<b>Art Unit</b> 2156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/21/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is issued in response to amendment filed 1/21/08.

Claims 1-26 were canceled. Claim 27-49 were amended. Claim 50 was added.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding Claims 27-50 the claimed invention is directed to non-statutory subject matter.

The claimed subject matter is directed to a computer program which is software per se.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 27, 30-31, 41, are rejected under 35 USC 102(e) as being anticipated by Bowman-Amuah (Bowman hereinafter) US Patent No. 6,640,244 filed Aug. 31, 1999.

Regarding Claim 27, Bowman discloses a computer program product, comprising:

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a data structure, wherein said data structure comprises an order processing system said order processing system comprises a complex object said complex object comprises a service profile, the service profile represents a complex asset (Fig. 31, 3102, Bowman), and said complex asset is associated with an account (Fig. 32, "order report writer", Bowman), a data manager configured to:

receive at least a portion of the service profile from an external server via an information network (Fig. 31, 3100, Bowman), and

generate a business object based on the portion of the service profile (Fig. 31, "Generated reports";

a transformation engine configured to generate at least a portion of the complex object based on the business object, wherein the complex object is stored in an asset table (Fig. 31, "report status table", Bowman); and

computer readable storage media, wherein said data structure, said data manager, and said transformation engine are encoded in said computer readable storage media (Fig. 30, Bowman).

Regarding Claim 30, Bowman discloses a computer program product wherein at least a portion of the information in the asset table is transferred to an order table when a new quote is created (Fig. 29, 2900, Bowman).

Regarding Claim 31, Bowman discloses a computer program product wherein at least a portion of the information in an order table is transferred to the asset table when an order is provisioned (Fig. 29, 2904, wherein the distribution corresponds to the provisioned, Bowman).

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Regarding Claim 41, Bowman discloses a computer program product wherein the asset represents a product with a hierarchy of sub-products (Fig. 7, 702, 700, and 704, Bowman).

Regarding Claim 50, Bowman discloses a computer program product wherein the asset table comprises an asset price adjusted to take into account discount and a base price of the asset (Paragraph 1283, Bowman).

### ***Response to Arguments***

Applicant's arguments filed 5/26/09 have been fully considered but they are not persuasive.

Applicant argues the applied art fail to demonstrate that Bowman discloses that the claimed "complex asset is associated with an account".

Examiner disagrees. Fig. 32, the "order report writer" associating complex asset with an account, since it is well known in order to generate a report the information must be associated in the report. Furthermore as stated in Fig. 37, Col. 130, lines 16-25, the Bowman reference discloses the teaching of associating the billing information with asset (account) information.

Applicant argues the applied art fails to disclose "data manager configured to receive at least a portion of the service profile from an external server via an information network, and generate a business object based on the portion of the service profile".

Examiner disagrees. Bowman at Col. 118, lines 35-49 discloses the use of portion of the data to generate a report based on the portion of data received, which corresponds to the claimed/argued limitations as claimed in claim 27.

***Point of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4125. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/  
Primary Examiner, Art Unit 2156  
August 10, 2009